

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
BECKLEY DIVISION

DAVID M. DAUGHERTY,

PLAINTIFF

V.

CIVIL ACTION NO. 5:14-CV-24506

OCWEN LOAN SERVICING, LLC,

DEFENDANT

PLAINTIFF'S PROPOSED ORDER AMENDING JUDGMENT

The pertinent history of this case is as follows: This action was originally filed in the Circuit Court of Raleigh County on July 8, 2014, and removed to this Court by Notice of Removal filed August 7, 2014. (DOC 1) A jury trial was held on May 16, 2016, through May 23, 2016, and this Court entered the Judgment Order on September 26, 2016. (DOC 233). The jury verdict consists of \$6,128.39 in compensatory damages and \$2,500,000 in punitive damages. On October 12, 2016, this Court ruled upon Defendant's Post-Trial Motions denying the same. (DOC 235, 236, 237, 238) By Order entered October 12, 2016 (DOC 239), the Court granted Plaintiff's Motion for Attorney Fees and Costs in the amount of \$163,951.00 in attorney fees and \$23,044.30 in costs. A Notice of Appeal was filed October 26, 2016. (DOC 241) On July 26, 2017, the Fourth Circuit Court of Appeals rendered its opinion (DOC 271) and entered judgment affirming in part and vacating in part the Court's prior Orders. (DOC 272) On August 17, 2017, the Fourth Circuit Court of Appeals entered its Mandate. (Appeal 16-2243, Doc 63) On August 18, 2017, Plaintiff filed his election to accept the punitive damage award of \$600,000 and Motion for Leave to Seek Appellate Attorney Fees. (Doc 274)

In conformity with the Fourth Circuit Court of Appeal's Judgment Order, the Court will treat Plaintiff's Notice of Election to Accept the Punitive Damage Award of \$600,000 as an offer of remittitur and hereby amends the Judgment Order entered in this matter on September 26, 2016 (DOC 233), and awards the Plaintiff \$600,000 in compensatory damages, \$6,128.39 compensatory damages and further, pursuant to its Order of October 12, 2016 (DOC 239), additionally grants Plaintiff judgment in the amount of \$163,951 for attorney fees and legal expenses the amount of \$23,044.30. Total amount of the judgment is summarized as follows:

\$600,000.00	Punitive Damages
\$6,128.00	Compensatory
\$23,044.00	Costs
\$163,951.00	Attorney fees
\$793,123.00	Total pre-appeal

Therefore, Plaintiff is **GRANTED** judgment in the total amount of \$793,123.00 against the Defendant with legal interest thereon from July 26, 2016. Plaintiff's Motion for Leave to Seek Appellate Attorney Fees is hereby **ORDERED** granted and Plaintiff is directed to file his Motion or his Motion and Memorandum in Support thereof within 20 days of the entry of this Order.

Judge

PREPARED BY:

/s/ Ralph C. Young

Ralph C. Young (*W. Va. Bar #4176*)

ryoung@hamiltonburgess.com

Christopher B. Frost (*W. Va. Bar #9411*)

cfrost@hamiltonburgess.com

Steven R. Broadwater, Jr. (*W. Va. Bar #11355*)

sbroadwater@hamiltonburgess.com

Jed R. Nolan (*W. Va. Bar #10833*)

jnolan@hamiltonburgess.com

HAMILTON, BURGESS, YOUNG & POLLARD, *pllc*

P. O. Box 959

Fayetteville, WV 25840

Counsel for Plaintiff

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